

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Michel J. Messier and
Melissa A. Messier

v.

Civil No. 04-cv-28-JD

Dell Computer Corporation, et al.

O R D E R

Judgment was entered in this case in favor of the defendants on October 31, 2005, based on orders issued on August 3, 2004, August 25, 2004, January 10, 2005, and October 31, 2005. The plaintiffs filed a motion for reconsideration on March 30, 2007, which was denied. The plaintiffs filed a notice of appeal on May 31, 2007. The plaintiffs then filed a motion asking the court to take judicial notice that the New Hampshire Department of Labor and the New Hampshire Compensation Appeals Board are not courts within the judicial branch of government.

"The filing of a notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). Because the court's orders granting summary judgment in the defendants' favor were based on the preclusive effect of findings by the New

Hampshire Department of Labor and the New Hampshire Compensation Appeals Board, the judicial notice the plaintiffs seek is involved in the appeal. Therefore, the court lacks jurisdiction to consider the motion.

Conclusion

For the foregoing reasons, the plaintiffs' motion for judicial notice (document no. 104) is denied due to the court's lack of jurisdiction.

SO ORDERED.

/s/Joseph A. DiClerico, Jr.
Joseph A. DiClerico, Jr.
United States District Judge

July 9, 2007

cc: Melissa A. Messier, pro se
Michel J. Messier, pro se
Andrew D. Dunn, Esq.
Steven M. Gordon, Esq.